



CITY OF MARLBOROUGH
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SEPTEMBER 24, 2007

Regular meeting of the City Council held on Monday September 24, 2007 at 8:00 p.m. in City Council Chambers, City Hall. City Councilors present: Levy, Ossing, Pope, Vigeant, Katz, Ferro, Juare, Schafer, Webster, Clancy and Towle. Meeting adjourned at 9:20 p.m.

ORDERED: Minutes, City Council meeting, September 10, 2007, **FILE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application of Ming Wang to convert the former State Armory Building located at 358-364 Lincoln St., into 12 residential condominiums, all were heard who wish to be heard, hearing adjourned at 8:11 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: Now being the time set for the PUBLIC HEARING on the application of First Student Inc. for outdoor storage of vehicles (school buses) on Hayes Dr., all were heard who wish to be heard, hearing adjourned at 8:43 p.m., **IN URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the correspondence from the City Auditor providing a status update with respect to the closing of the FY07 books, **FILE**; adopted.

ORDERED: That the following transfer of \$84,157.17 from Fringes to various salary related accounts, refer to **FINANCE COMMITTEE**; adopted.

FROM:

Acct. # 11990006-51500 \$84,157.17
Fringes

TO:

Acct. # 12100001-50420 \$62,974.57
Police Officers

Acct. # 12100003-51226 \$1,242.36
First Respond

Acct. # 12100003-51430 \$2,109.24
Long

Acct. # 12100003-51440 \$8,164.71
Edu Inc

Acct. # 12100003-51450 \$1,827.42
Night Dif

Acct. # 12100003-51490 \$4,964.48
Holiday

Acct. # 12100003-51920	\$2,193.99
SLBB	
Acct. # 12100003-50435	\$680.40
SLBB	

Total \$84,157.17

ORDERED: That the amending existing licensing agreement between the owner(s) of the property at 19 Weed St and the City of Marlborough, refer to **LEGAL AND LEGISLATIVE AFFAIRS COMMITTEE**; adopted.

ORDERED: That the commencement of Passport Processing on October 14, 2007, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

MOTION: To move agenda item # 8, communication from the City Solicitor, amending the Fairbanks Development LLC Special Permit which has been put in proper form, be moved to Reports of the Committees, **APPROVE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 29, 2007** as date for a **PUBLIC HEARING** on the communication from the Council President re: proposed amendment to Section 200-17 "Table of Uses" of the City's Zoning Ordinance, refer to **URBAN AFFAIRS COMMITTEE, PLANNING BOARD AND ADVERTISE**; adopted.

ORDERED: That the communication from Department of Housing and Community Development re: range of services and assistance to communities seeking help on how to revitalize their downtowns through the Department's Massachusetts Downtown Initiative (MDI), **FILE**; adopted.

ORDERED: That the communication from the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Environmental Protection, re: reviewing Water Management Act (WMA) permits every five years, refer to **DPW COMMISSIONER**; adopted.

ORDERED: That the communication from Attorney Aldo Cipriano re: real property transfer and exchange off of Bolton St., Lakeview/Bolton St. Realty LLC, and the City of Marlborough, refer to **LEGISLATIVE AND LEGAL AFFAIRS COMMITTEE, DPW, AND THE LEGAL DEPARTMENT**; adopted.

ORDERED: That the communication from Massachusetts Development Finance Agency re: preliminary approval to issue a revenue bond on behalf of Hillside School., Inc, **FILE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, OCTOBER 15, 2007** as date for a **PUBLIC HEARING** on the petition by Petition from Mass Electric to install stub pole #82-84 to support existing pole #82 on Farm Rd. in Marlborough, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the minutes of the Traffic Commission meeting of July 24, 2007, **FILE**; adopted.

ORDERED: That the TransReport, September 2007, **FILE**; adopted.

ORDERED: That the CLAIMS, refer to **LEGAL DEPARTMENT**; adopted.

REPORTS OF COMMITTEES:

Councilor Pope reported the following out of the Urban Affairs Committee:

Order No.05/07-100931B – Re: Application of Deborah Fairbanks, Fairbanks Development LLC seeking to amend the special permit re: Artist Loft Housing at 406 Lincoln Street, known as Renaissance Lofts so that the language would read instead of “No person shall be eligible to Purchase” to “Preference will be given to Artists or persons engaged in an art-related businesses.” The City Solicitor submitted to the City Council the proposed decision in proper form. **Motion made, and seconded, to recommend approval with findings and conditions as amended. Recommendation of the Urban Affairs Committee is to approve 5-0.**

Councilor Katz reported the following out of the Wireless Communications Committee:

Order No. 07-1001434 – Re: Presentation by Mark Gibbs, IS Director, updating the City Council on WI-FI and its impact on the City’s wireless communications; and that the report include the progress of the program and requirements including financial and otherwise going forward and any additional removal of trees and installation of antennae.

Motion made, seconded and approved (3-0) to recommend that the WI-FI network continue to move forward subject to the following:

- 1) Request for Proposal be issued for the construction of a communications pole at the Westerly Wastewater Treatment Plant;
- 2) That notification be given to the ward 3 councilor prior to a WCF installation taking place in the Forest Street area;
- 3) That the City Council be updated regarding any antennae location that will require rent prior to entering into any rental agreement for such locations;
- 4) That the City Council be updated regarding possible alternatives to the current Fairmount Hill water tank site;
- 5) That the WI-FI Team update the City Council within the next sixty (60) days regarding the progress of the above items.

Suspension of the rules requested – granted; adopted.

ORDERED: That the application of Mass Electric to install manhole duct locations on Donald J. Lunch Blvd., **APPROVE** as recommended by the Public Services Committee; adopted.

ORDERED: That the City Emergency Management Coordinator, Don Cusson, spoke at the September 24, 2007 meeting and provided an update of the City's R911 system, refer to **PUBLIC SAFETY COMMITTEE**; adopted.

ORDERED: That the communication from Mayor Stevens regarding the reappointment of Rosalind Baker as Director of Human Services, expires August 27, 2010, **APPROVE**; adopted.

ORDERED; That the SPECIAL ACT submitted by Mayor Stevens to establish the Term of the Office of the City Solicitor and the confirmation and removal process for the required steps needed to create a Charter Change, refer to **LEGAL DEPARTMENT AND THE HOUSE COUNSEL** to draft the necessary language to effect this change and report back to City Council for final approval; adopted.

ORDERED: That the City of Marlborough **GRANTS** a temporary utility easement to be executed by the Mayor on behalf of the City, to Massachusetts Electric Co. (a/k/a "National Grid"), as described in the Grant of Temporary Easement, Christopher Heights, 84 Chestnut Street, Marlborough, MA for the purposes of installing, constructing, reconstructing, repairing, replacing, adding to, maintaining and operating an overhead system and an underground system for electric service to the buildings constructed or proposed to be constructed by the Christopher Heights of Marlborough Limited Partnership pursuant to a February 14, 2006 ground lease between the City and the Christopher House of Marlborough Limited Partnership, said temporary utility easement to be for a period concurrent with the term of said ground lease, and to be recorded at Middlesex South District Registry of Deeds; adopted.

YEA: - 9 ABSTAINED: - 2

YEA: Ferro, Schafer, Juairé, Webster, Clancy, Towle, Ossing, Vigeant, Levy
ABSTAIN: Katz, Pope

ORDERED: That the communication from the Legal Department with request by James J. and Noel M. Cain to purchase all of the city's right, title and interest in a certain parcel of land abutting their property at 107 Phelps Street, together with proposed quitclaim deed, **TABLED**; adopted.

ORDERED: That that the proposed permanent sewer easement regarding 107 Phelps St., be accepted to allow the city to maintain the relevant sewer truck line, **TABLED**; adopted.

ORDERED: That the City Council of the City of Marlborough adopt Chapter 73, section 4 of the Acts of 1986 which allows for doubling of all exemptions offered in the City to qualified residents (i.e. Elderly, Blind, Disabled Vets) as provided by Massachusetts Law, **APPROVE**; adopted.

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned 9:20 p.m., **FILE**; adopted.